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| 2761 | |

DATE MAILED:          09/26/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trad marks

☒ Responsive to communication(s) filed on *Jul 11, 2000*                                                          .

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ___*three*___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) *1-33* _____ is/are pending in the application.

   Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-33* _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

   ☐ All ☐ Some* ☐ None   of the CERTIFIED copies of the priority documents have been

      ☐ received.

      ☐ received in Application No. (Series Code/Serial Number) _____ .

      ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   *Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). ___*2*___

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

## DETAILED ACTION

1.     Claims 1-33 are presented for examination.

2.     Applicant's arguments to claims 1-32, have been considered but are deemed not

persuasive.

### *Claim Rejections - 35 U.S.C. § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms

the basis for the rejection under this section made in this office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or
>
> on sale in this country, more than one year prior to the date of application for patent in the United States.

3.     Claims 17-21, 23, 30, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by

Jones et al. (5,400,020, Jones hereinafter).

With respect to claim 17, Jones teaches an apparatus for managing a scheduling

system(Abstract). Means for receiving information about an appointment from a user(i.e. a bus

schedule for each bus is programmed into the advance notification system as determined by the

respective bus drivers(users))(col. 5, lines 30-45); means for receiving information about an

attendee associated with the appointment, including attendee notification information (i.e. a

student(attendees) list containing the student names, student telephone number, and time when

the student should be called if there is any delays is kept in a database)(col. 9, lines 5-24); means

for determining if the user will be late for the appointment (i.e. if the bus is going to be late is

determined by comparing the departure time to the scheduled departure time to calculate how

behind schedule the bus is going to be)(col. 7, lines 4-11); and means for sending an attendee

notification message to the attendee using the attendee notification information when the user will

be late for the appointment(Figures 5-7); and receiving a response to the attendee notification

message from an attendee (i.e. when the attendee(student or school child) is running late, the

system its notified to enable the bus driver to wait for the student)(col. 6, lines 59-68).

Claim 18 is the method of performing the system of claim 1 and therefore is rejected under

similar rationale.

With respect to claims 19, 30 and 31, Jones teaches a method for managing a scheduling

system(Abstract). Receiving information about an appointment, including appointment time

information and appointment location information from a user(Figure 4); receiving user location

information(col. 6, lines 1-11); and determining if the user will be late for the appointment based

on the user location information, the appointment location information, the appointment time

information and a time associated with the user location information (col. 2, lines 40-56; col. 3,

lines 65-, col. 4, lines 1-27; col. 6, lines 27-68); receiving a response from an attendee of the

appointment, the response changing the information about the appointment (i.e. when the

attendee(student or school child) is running late, the system its notified to enable the bus driver to

wait for the student therefore delaying the appointment)(col. 6, lines 59-68).

With respect to claim 20, Jones further teaches calculating a travel distance based on the

appointment location information and the user location information(col. 7, lines 4-11); calculating

a time of arrival based on the time associated with the user location information, the travel

distance and a travel velocity(col. 5, lines 30-45); and comparing the calculated time of arrival

with the appointment time information(col. 2, lines 40-56; col. 3, lines 65-, col. 4, lines 1-27; col.

6, lines 27-68).

With respect to claim 21, Jones further teaches that the user location information is

generated by a global positioning satellite receiver (col. 6, lines 1-11).

With respect to claim 23, Jones further teaches that the location information is received

through a communication network (i.e. each of the vehicle computer unit(12) is installed in each

of school buses 19, all which communicate with the single base station control unit(14). If there's

changes in the schedule then control unit(12) sends a notification to computer(14) so that the

notification process can start).

4.      Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Scully et al.

(4,819,191 Scully hereinafter).

With respect to claim 32, Scully teaches a method for managing a scheduling

system(Abstract). Determining meeting status information based on information about an

appointment and information about a user (Figures 3a, 3b and col. 4, lines 16-66); and

automatically generating an attendee notification message, using stored attendee notification

information, based on the meeting status information (Figures 3a, 3b and col. 4, lines 16-66);

receiving a response from an attendee of the appointment to the attendee notification message(i.e.

when the attendee's notification message is received, the attendee can send select the proper

response that he wants to send to the system)(col. 25, lines 22-26).

## *Claim Rejections - 35 U.S.C. § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
>
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
>
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
>
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
>
> manner in which the invention was made.

5.      Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scully.

With respect to claim 33, since Scully a method and computer implemented process that

an attendee can select the proper, prefer method of acknowledging the receipt of a meeting

notice (col. 25, lines 22-26) then it would have been obvious to a person of ordinary skill in the

art at the time of Applicant's invention to have included sending the response by e-mail because

such a modification would allow faster response.

6.      Claims 1-9, 12-15, 16, 22 and 29  are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jones.

In regards to claim 1, Jones teaches a method for managing a scheduling system(Abstract).

Receiving information about an appointment from a user (i.e. a bus schedule for each bus is

programmed into the advance notification system as determined by the respective bus

drivers(users))(col. 5, lines 30-45); receiving information about an attendee associated with the

appointment, including attendee notification information (i.e. a student(attendees) list containing

the student names, student telephone number, and time when the student should be called if there

is any delays is kept in a database)(col. 9, lines 5-24); determining status information (i.e. if the

bus is going to be late is determined by comparing the departure time to the scheduled departure

time to calculate how behind schedule the bus is going to be)(col. 7, lines 4-11); and automatically

generating an attendee notification message using the attendee notification based on the status

information(col. 7, lines 4-32).

Jones does not specifically teach that the status information is on a meeting.  Nevertheless, Jones

teaches determining the status information on the bus which like a meeting has

passengers(attendees) waiting and knowing the accurate schedule time is imperative to the people

involved so they can adjust their schedules and avoid arriving too early or late(col. 1, lines 48-53).

With respect to claim 2, Jones further teaches automatically generating an attendee

notification message when the status indication information indicates that the user will be late for

the appointment(col. 7, lines 4-32).

With respect to claim 3, Jones further teaches that the attendee notification information is a telephone number and said step of generating is performed by generating an audio message(col. 4, lines 46-60).

Claim 4 further recites that the attendee notification is performed by generating an electronic mail message. Official notice is taken that is old and well known at the time of Applicant's invention to have replaced the telephone with e-mail message for notifying the attendee of changes of schedule because such a modification would provide another means of communication.

With respect to claim 5, Jones further teaches that the status information is received from a computer through a communication network (i.e. each of the vehicle computer unit(12) is installed in each of school buses 19, all which communicate with the single base station control unit(14). If there's changes in the schedule then control unit(12) sends a notification to computer(14) so that the notification process can start).

With respect to claims 6 and 7, Jones further teaches that the step of determining is based on information received from a wireless telephone through a communication network(col. 2, lines 40-56).

With respect to claim 8, Jones further teaches receiving user location information(i.e. The bus location at a particular time could then be compared with scheduled locations and scheduled times in order to determine whether the bus 19 is early or late and by what amount(col. 5. lines 65-, col. 6, lines 1-11); deciding if the user will be late for the appointment based on the

appointment time information, the appointment location information, the user location information

and time associated with the user location information (col. 2, lines 40-56; col. 3, lines 65-, col. 4,

lines 1-27; col. 6, lines 27-68).

With respect to claim 9, Jones further teaches calculating a travel distance based on the

appointment location information and the user location information(col. 7, lines 4-11); calculating

a time of arrival based on the time associated with the user location information, the travel

distance and a travel velocity(col. 5, lines 30-45); and comparing the calculated time of arrival

with the appointment time information(col. 2, lines 40-56; col. 3, lines 65-, col. 4, lines 1-27; col.

6, lines 27-68).

With respect to claim 12, Jones further teaches that the steps of receiving can be

performed from multiple access devices(i.e. the information can be received via a telephone or a

computer)(see rejection to claims 5-7).

With respect to claim 13, Jones further teaches sending the attendee notification message

to the attendee(col. 4, lines 28-60).

With respect to claim 14, Jones does not specifically teach receiving an attendee response

from the attendee. Since, in Jones an attendee notification message is sent to the attendee(col. 4,

lines 28-60) then it would have been obvious to a person of ordinary skill in the art at the time of

Applicant's invention at the time of Applicant's invention to have included receiving an attendee

response because such a modification would assure the sender that the message was received.

With respect to claim 15, Jones further teaches comparing the calculated time of arrival with the appointment time information and a predetermined fixed period of time(Figures 4-7).

With respect to claims 16 and 29, Jones teaches a scheduler database for storing information about an appointment and information about an attendee associated with the appointment, including attendee notification information((i.e. a student(attendees) list containing the student names, student telephone number, and the respective times of when the student should be picked up is kept in a database)(col. 9, lines 5-24); and a scheduling unit and said scheduler database configured to determine if a user will be late for the appointment, said scheduling unit being further configured to send an attendee notification message to the attendee using the attendee notification information when the user will be late for the appointment(Figures 4-7); receiving a response from an attendee of the appointment, the response changing the information about the appointment(i.e. when the attendee(student or school child) is running late, the system its notified to enable the bus driver to wait for the student therefore delaying the appointment)(col. 6, lines 59-68). Jones does not specifically teach that the scheduling unit is coupled to the scheduler database. Official notice is taken that is old and well known in the computer related arts to have units coupled to each other in joining or linking the units together. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included coupling the scheduler unit to the scheduler database because such a modification would provide easier access and communication between the units.

Claim 22 further recites that the location information is calculated from an automatic

identification number. Official notice is taken that is old and well known to use caller ID to

automatically identify the location that the person is calling from. It would have been obvious to

a person of ordinary skill in the art at the time of Applicant's invention to have included

calculating the location information from a device such as caller ID because such a modification

would save time by identify the location of the caller without the need to interchange much

information.


7.      Claims 10-11 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jones in view of Tognazzini(5,790,974 hereinafter Tognazzini).


With respect to claims 10 and 24, Jones further teaches adjusting the travel distance based

on the appointment location information, the user location information(col. 5, lines 30-, col. 7,

lines 1-32). Jones does not specifically teach receiving map information from a database and

adjusting the travel distance based on the mapping information. On the other hand, Tognazzini

teaches receiving map information from a mapping database to adjust travel distance (Figures 4B-

4C). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's

invention to have included adjusting the travel distance based on the mapping information because

such a modification would provide optimal travel route to the use(in Tognazzini col. 2, lines 38-,

col. 3, lines 1-2).

Claims 11, 25-27 further recites receiving environment information wherein the

environment information is weather and traffic information and adjusting the travel velocity based

on that information.  The combination of Jones and Tognazzini teaches adjusting the travel

velocity based on the traffic information(in Tognazzini, col. 14, lines 62-, col. 15, lines 1-2). The

combination of Jones and Tognazzini do not specifically teach that the adjusting of the travel

velocity is based on weather information.  Official notice is taken that is old and well known in the

arts to adjust ones travel velocity in bad weather to decrease the risks of accidents.  It would have

been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify

the traffic information with the weather information to obtain the above mentioned advantages.

Claim 28 further recites that the environment information is airline information.   The

combination of Jones and Tognazzini teaches adjusting the travel velocity based on the traffic

information(in Tognazzini, col. 14, lines 62-, col. 15, lines 1-2). The combination of Jones and

Tognazzini do not specifically teach that the adjusting of the travel velocity is based on airline

information.  Official notice is taken that is old and well known in the arts to adjust ones travel

velocity(speed) if there's any delays in the airlines because by the airline being delayed the whole

traveling process of an individual would be delayed as a consequence. It would have been obvious

to a person of ordinary skill in the art at the time of Applicant's invention to modify the speed of

traveling if there's notification that there's any delays in the airlines that he or she is traveling

because such a modification would enable the person to plan ahead.

## *Response to Amendment*

A.     *35 U.S.C. § 112*, 2nd paragraph have been withdrawn.

B.     The applicant argued newly added feature of **"receiving a response to the attendee notification message from an attendee"**. As can be seen by Jones on col. 6, lines 59-68 and Figure 4, when the attendee(student or school child) is running late, the system its notified to enable the bus driver to wait for the student.

C.     In response to the official notice taken, Applicant is reminded that The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art. The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well- known" in the art. In re Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418, 420

(CCPA 1970) (Board properly took judicial notice that "it is common practice to postheat a weld after the welding operation is completed" and that "it is old to adjust the intensity of a flame in accordance with the heat requirements."). See also In re Seifreid, 407 F.2d 897, 160 USPQ 804 (CCPA 1969).

The examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that official notice can be taken, it

is sufficient so to state. In re Malcolm, 129 F.2d 529, 54 USPQ 235 (CCPA 1942).
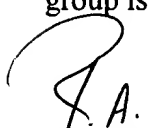
## *Conclusion*

*8.* **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date

of this final action.

### *Points Of Contact*

9. Any inquiry concerning this communications from the examiner should be directed to

Raquel Alvarez whose telephone number is (703) 305-0456. The examiner can normally be

reached on Monday to Friday from 9:00 AM. To 5:00 PM.

If any attempt to reach the examiner by telephone is unsuccessful, The examiner's

supervisor, Emanuel Voeltz can be reached on (703) 305-9714. The fax phone number for this

group is (703) 305-0040.

EDWARD R. COSIMANO
PRIMARY EXAMINER

September 12, 2000